



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ECOSYSTEMS, TRIBAL AND  
PUBLIC AFFAIRS

April 13, 2016

Jeff Tomac  
District Ranger, Whitman Ranger District  
Wallowa-Whitman National Forest  
3165 10<sup>th</sup> Street  
Baker City, Oregon 97814

Dear Mr. Tomac:

The EPA has reviewed the final EIS evaluating the proposal to approve 28 mining Plans of Operation (POOs) in the Granite Creek Watershed encompassing both Wallowa Whitman and Umatilla National Forests in Oregon (EPA Project Number: 00-014-AFS). Our review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act.

The FEIS evaluates the No Action Alternative and two action alternatives for approval of mining POOs. Alternative 2 reflects the POOs as submitted by the operators. The preferred alternative is Alternative 3, which incorporates additional Forest Service Resource Protection Measures and requirements to prevent or minimize impacts from the proposed activities.

The EPA's comments on the 2015 draft EIS raised issues with the potential for mine operations to impact water quality and fish species listed under the Endangered Species Act (e.g., threatened mid-Columbian steelhead and Columbia River bull trout). Specifically, we expressed concerns with the potential for warm water discharge from settling ponds to impact temperature limited waters and the potential for operations to degrade ESA listed essential habitat. We appreciate the response to comments and information about the Oregon Department of Environmental Quality's revised 2015 700PM General Permit and clarification regarding the protective measures under Alternative 3. We believe the final EIS is robust, and the Appendices provide additional useful detail regarding POOs, water resource effects, and plan-specific protective measures. These segments of the document are very helpful in understanding the complexity of the 28 POOs and the predicted effects.

The FEIS and Response to Comments clarify that no discharge of warm water would occur under the Preferred Alternative 3 and therefore, our concern regarding this issue is resolved. The Final EIS also provides relevant information regarding the State's recent moratorium on suction dredge in 303(d) listed waters listed for sediment or where essential salmon habitat (ESH) exists. The FEIS notes that as of August 2015, a State moratorium is in effect for locations with ESH, streams with naturally reproducing bull trout, and streams that are 303d listed for sediment until 2021 or until the Oregon State Legislature

changes the law. In light of this legislation, the Forest will not approve suction dredge operations that exist in these areas until the moratorium on suction dredging is lifted<sup>1</sup>.

We believe that the moratorium addresses our concerns about impacts to ESH from dredge operations. Regarding the placer operations with the potential to discharge sediment (Blue Sky Run and Belvadere), we believe that the Forest Service measures combined with terms and conditions required by the National Marine Fisheries Service and U.S. Fish and Wildlife Service should be protective of aquatic resources. We also support the level of commitment regarding approving plans only after all relevant permits from the State of Oregon are obtained.

We appreciate the opportunity to review the FEIS. If you have question about our comments, please contact me at (206) 553-1601 or by electronic mail at [littleton.christine@epa.gov](mailto:littleton.christine@epa.gov), or you may contact Lynne Hood of my staff at (208) 378-5757 or electronic mail at [hood.lynne@epa.gov](mailto:hood.lynne@epa.gov).

Sincerely,



Christine B. Littleton, Manager  
Environmental Review and Sediment Management Unit

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<sup>1</sup> State of Oregon Legislative Assembly. 2013. Senate Bill 838.  
<http://www.oregon.gov/dsl/PERMITS/docs/Senate%20Bill%20838.pdf>